

# **EXTRAORDINARY**

भाग II -खण्ड- 2

PART II-Section 2

प्राधिकार से प्रकाशित

## PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह श्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

#### LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st December, 1967:—

#### BILL No. 145 of 1967

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1967.

(2) It shall come into force at once.

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Short title and commencement.

[PART ]]

Substitution of Section 520.
Stay of order under sections 516A, 517, 518 or 519.

2. For section 520 of the Code of Criminal Procedure, 1898, the following section shall be substituted, namely:—

"520. Any Court of appeal, confirmation, reference or revision may direct any order under section 516A, section 517, section 518 or section 519 passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just."

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The provisions in section 516A of the Code of Criminal Procedure, 1898 relate to orders for custody and disposal of property "pending trial" in certain cases. The orders passed under the section are not open for appeal or revision under section 520 of the Code. The only provision available now in the Code for the revision of these orders is contained in section 435 of the Code. But under section 435 of the Code the jurisdiction for passing final orders is vested only in the High Court, resulting in inordinate and unnecessary delay.

In view of the provisions of section 520 of the Code which envisage review by the Sessions Court of all the orders passed under sections 517, 518 and 519, the non-inclusion of section 516A in section 520 becomes anomalous. In order to eliminate unnecessary delay in the disposal of revision cases against the orders passed under section 516A, it is desirable to vest the Sessions Court with powers of final disposal in all matters arising out of orders passed under section 516A. The proposed amendment is intended to widen the scope of section 520 and rectify the anomaly.

NEW DELHI; The 10th July, 1967. M. NARAYAN REDDY.

#### BILL No. 142 of 1967

A Bill further to amend the Code of Criminal Procedure, 1898

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1967.

Short title.

Substitu-

2. For section 540A of the Code of Criminal Procedure, 1898, the following section shall be substituted, namely:—

"540A. (1) At any stage of an inquiry or trial or appeal under this Code, if the Judge or Magistrate is satisfied, for 540A. reasons to be recorded, that the personal attendance of the Provision

tion of new section for Section 540A. Provision for inquries, trial and appeal held

5 of 1898.

in the absence of accused or convict in certain cases.

accused or convict before the Court is not necessary in the interests of justice, the Judge or Magistrate may, if the accused or convict is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial or appeal in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused or convict.

(2) If the accused or convict in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit and for reasons to be recorded by him, either adjourn such inquiry, 10 trial, or appeal, or order that the case of such accused or convict be taken up or tried or heard separately."

There is no provision in the Code of Criminal Procedure, 1898 which enables the Appellate Courts to dispense with the personal attendance of the appellants (convicts) at any stage of hearing of the appeal. Normally the presence of appellants in appeals on criminal side is not necessary in the interests of justice except on the date of delivery of judgment. The absence of such a provision is a great hardship to the parties appearing in Courts in appeal on the criminal side. The provisions of section 540A of the Code of Criminal Procedure, 1898 extend to inquiries and trials only. The proposed amendment is designed to mitigate the hardship by enlarging the scope of section 540A in the Code of Criminal Procedure, 1898 to enable the appellate Courts to pass orders dispensing with the personal attendance of the appellants in appropriate cases.

NEW DELHI: The 10th July, 1967. M. NARAYAN REDDY.

# BILL No. 143 of 1967

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

- 1. This Act may be called the Code of Criminal Procedure Short title. (Amendment) Act, 1967.
- 2. Section 197A of the Code of Criminal Procedure, 1898 shall be Omission of section 197A.

Section 197A was inserted in the Code of Criminal Procedure, 1898 in the year 1951 through the Code of Criminal Procedure (Amendment) Act, 1951 (1 of 1951) with a view to accord special privileges and protection to the Rulers of former Indian States. The section is designed to perpetuate the remnants of the feudal order and is, therefore, an anachronism in a democratic and classless society. Further, this kind of provision runs counter to the letter and spirit of articles 14, 18 and 44 of the Constitution of India. The continuance of this section on the Statute Book creates many complications and practical difficulties for the common people in proceeding against the former Rulers in appropriate cases. The omission of the section from the Code will also greatly help in achieving the goal of classless society and equality before law for all citizens of India.

NEW DELIII;
The 10th July, 1967.

M. NARAYAN REDDY.

1967.

#### BILL No. 141 of 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

public of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, Short title

and Commence-

- 5 (2) It shall come into force on such date, not being later than ment. two years from the passing of this Act, as the Central Government may, by notification in the Official Gazette, appoint.
  - 2. Article 331 of the Constitution shall be omitted.

Omission of article 331.

There is absolutely no reason now to give special status to any one community.

The very preamble of our Constitution solemnly declares to secure to all the citizens of India equality of status.

Even if it be not illegal, it is politically and socially unsound to give special status to any one community.

The sound principle of administration is that every citizen of India should have a right for election to Lok Sabha by a free vote of the people, earned by due and selfless service to the people and not by nomination based on the ground of community.

Hence this Bill.

NEW DELHI; The 12th July, 1967. RAGHUVIR SINGH SHASTRI.

## BILL No. 125 of 1967

A Bill to provide for the periodical disclosure of assets of Ministers.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Disclosure of Assets of Short title and commencement.
  - (2) It shall come into force at once.
  - 2. In this Act,

Definitions.

(a) "Minister" means a member of the Council of Ministers by whatever name called, and includes a Deputy Minister;

(b) "property" means and includes any property situate in India or abroad.

Disclosure of assets.

- 3. (1) Every Minister shall, on first appointment and thereafter at the interval of every twelve months, lay before each House of Parliament a return, in such form as may be prescribed by the 5 Central Government, of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage either in his own name or in the name of any member of his family, or in the name of any other person.
- (2) Every Minister shall, on first appointment and thereafter at 10 interval of every twelve months, lay before each House of Parliament a return, in such form as may be prescribed by the Central Government, of all movable property held or acquired or inherited by him or by any member of his family, together with the details of the means by which, or the sources from which, such property 15 was acquired.

Explanation.—For the purposes of this sub-section, the expression "movable property" includes, inter alia, the following property, namely:—

- (a) jewellery, insurance policies, shares, securities, and 20 debentures;
  - (b) deposit in Banks or with private firms or individuals;
- (c) loans advanced by such Minister, whether secured or not;
- (d) motor cars, motor cycles, horses or any other means of 25 conveyance; and
  - (e) refrigerators, radio-sets and radiograms.

Penalty for noncompliance. 4. A Minister who fails to comply with the provisions of section 3 shall cease to be a Minister forthwith.

The evil of corruption in the Administration must be ruthlessly fought at all levels, lest freedom, democracy and socialism, should cease to have any meaning at all for the people of our country.

- 2. Rules and Regulations for the All-India Services and Central Civil Services provide salutary checks on the conduct of all members of the Services. What is considered necessary in the case of Government servants who have security of tenure, retirement with a pension at the end of their service, and who stand in danger of removal or dismissal from service for proved misconduct, should be even more so in the case of Ministers for whom there are no such built-in checks or deterrents.
- 3. It is, therefore, deemed desirable that checks somewhat similar to those provided for in the case of Government employees should be made applicable to Ministers as well. Hence this Bill.
- 4. An enactment on similar lines by the Legislature of every State would be welcome.

New Delhi;

SACHINDRA NATH MAITI.

The 20th July, 1967.

## BILL No. 126 of 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1967.

Short title and commence-

ment,

(2) It shall come into force at once.

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Insertion of new article 125A.

2. After article 125 of the Constitution, the following article shall be inserted, namely:—

Prohibition as to the holding of offices by Judges of Supreme Court on ceasing to be such Judges.

"125A. On ceasing to hold office, the Chief Justice of India and every other Judge of the Supreme Court shall be ineligible for further employment either under the Government of India 5 or under the Government of a State, except in accordance with the provisions of article 128."

Insertion of new article 221A.

3. After article 221 of the Constitution, the following article shall be inserted, namely:—

Prohibition as to the holding of offices by Judges of High Courts on ceasing to be such Judges.

"221A. On ceasing to hold office, the Chief Justice and every to other Judge of a High Court shall be eligible for appointment as the Chief Justice of India or as a Judge of the Supreme Court or for appointment in accordance with the provisions of articles 127 and 128, but not for any other employment under the Government of India or under the Government of a State."

In order to maintain and promote the independence of the Judiciary, particularly the Judges of the Supreme Court and High Courts, it is indubitably necessary to ensure that such Judges do not look forward to other Government employment after their retirement. The Constitution has rightly imposed a ban on further employment, either by the Union Government or a State Government, of the Chairman and members of the Union Public Service Commission, as also the Comptroller and Auditor General of India, after they have ceased to hold office. Restrictions of similar nature have been imposed on the Chairmen and members of State Public Service Commissions.

- 2. In view of certain unsavoury happenings in recent years, it is imperative to safeguard the independence of Supreme Court and High Court Judges by enacting a similar provision barring their further employment under the Government of India or under the Government of a State.
- 3. The first Law Commission presided over by Shri M. C. Setalvad had made recommendations on more or less the same lines, but it is regrettable that no action has so far been taken thereon.
- 4. I am convinced that the continuation of the unhealthy practice of re-employing retired Judges under Government will insidiously erode the prestige and dignity no less than gravely imperil the integrity and independence of the superior judiciary. The Supreme Court and High Court must serve as the impregnable bastions of democracy in India.
  - 5. This Bill seeks to achieve the above object.

New Delhi; The 20th July, 1967. SACHINDRA NATH MAITI.

## Bill No. 134 of 1967

A Bill to provide for more effective protection of the Scheduled Castes, Scheduled Tribes and other backward communities from change of religion forced on them on grounds other than religious conviction.

WHEREAS it is expedient to provide for more effective protection of the Scheduled Castes, Scheduled Tribes and backward communities of the Indian Union, from change of their religion, brought about on grounds other than religious conviction by covert or overt compulsion;

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Backward Communities (Religious Protection) Act, 1967.
  - (2) It extends to the whole of India,

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Short title, extent and commencement. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas.

Definition.

- 2. In this Act, unless the context otherwise requires,-
  - (a) "backward community" means any body of persons dec- 5 lared as such in any area by the State Government;
  - (b) "District Magistrate" means the District Magistrate of the district where the person concerned resides, and shall include any magistrate subordinate to the District Magistrate specially authorised in this behalf;
    - (c) "Religion of Indian origin" means-
    - (i) Hindu religion in any of its forms or developments including Virashaiva, Lingayat or Brahmo, Prarthna or Arya Samaj;
      - (ii) Buddhist, Jaina or Sikh Religion;

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- (iii) any religion the founder of which was born in the then territories of India.
- (d) "Scheduled Castes" and "Scheduled Tribes" shall have the meaning assigned to them in the Constitution.

Change of Religion.

- 3. (1) No change of religion of any person belonging to a Sche-<sup>20</sup> duled Caste, Scheduled Tribe or a backward community shall be effected except after:—
  - (i) he has filed a written statement before the District Magistrate of his District to the effect that he is changing the religion out of free will with no motive other than religious con- 25 viction; and
  - (ii) the District Magistrate, after due enquiry, has given a finding that the contemplated change of religion is out of free will motivated by religious conviction only and is not the result
  - of any covert or overt pressure of circumstances brought on him 30 in other spheres of life.
- (2) All such changes of religion shall be registered in a register kept for the purpose:

Provided that nothing in this section shall apply to any change of religion of any person whereby he takes to his ancestral religion or any religion of Indian origin.

4. Whoever effects, or performs, conducts or directs any ceremony Punish-5 effecting any change of religion contrary to the provisions of sec- ment. tion 3 shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

The object of the Bil is to protect the members of Scheduled Castes, Scheduled Tribes and Backward Classes from proselytising activities of foreign Christian missionaries in this country. gious conversions are often resorted to in order to achieve objectives which are improper. The activities of these missions been the subject matter of enquiry by two Committees called Niyogi Committee and Rege Committee appointed by the Governments of old Madhya Pradesh and Madhya Bharat respectively and presided over by eminent ex-judges of the High Court. They inter alia recommended that the large influx of foreign missionaries, the use of medical or other professional services as a direct means of making conversions and any attempt by force or fraud or threats of illicit means or grants of financial or other aid or in general any attempt or effort for the purpose of conversions should be prohibited. The findings of these Committees have been agitating public mind and have been a cause of public tension also.

A way has, therefore, to be found for checking these activities of these missions. The present Bill is intended to serve that purpose to some extent.

NEW DELHI:

PRAKASH VIR SHASTRI.

The 11th August, 1967.

## BILL No. 159 of 1967

A Bill to provide for the medical check-up of the President, the Prime Minister and the Deputy Prime Minister of India from time to time at the All India Institute of Medical Sciences, New Delhi and for matters connected therewith.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows: -

1. (i) This Act may be called the Health (Periodical Medical Short Check-up of President, Prime Minister and Deputy Prime Minister title and 5 of India) Act, 1967.

commencement.

(ii) It shall come into force at once.

Definitions.

- 2. (i) "President" means the President of India.
  - (ii) "Prime Minister" means the Prime Minister of India.
- (iii) "Deputy Prime Minister" means the Deputy Prime Minister of India.

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(iv) "Institute" means the All India Institute of Medical Sciences, New Delhi.

Periodiacal checkup of the President, the Prime Minister and the Deputy Prime Minister.

- 3. (i) The President, the Prime Minister and the Deputy Prime Minister of India on assuming charge of their respective offices and thereafter every three months shall get themselves medically examined by a panel of specialists comprising the Director and the Heads of Departments of Medicine, Surgery and Pathology of the Institute.
- (ii) The panel of specialists shall request the President and Prime Minister and Deputy Prime Minister to remain in the Institute till such time as, in the opinion of the panel, might be necessary for the medical check-up.

Duties of the panel of specialists.

- 4. (1) It shall be the duty of the panel of specialists to—
- (i) make a thorough investigation of the state of health of the President and the Prime Minister and the Deputy Prime Minister 20 and prescribe the best remedies including medicines, the need for rest or change of climate, etc., in order to ensure their good health;
- (ii) make a report in writing after the check-up, stating the condition of their health.
- (2) In case of the slightest doubt in regard to any ailment, major 25 or minor, observed during the process of investigation or check-up, it shall be the duty of the panel of specialists to recommend to the Government that the President or the Prime Minister and the Deputy Prime Minister, as the case may be, be requested to enter the Institute for observation and remain there till such time as the 30 panel considers necessary or till the ailment is diagnosed and properly treated.

Reports
of specialists to
be laid
before
Houses
of Parliament.

5. The report of the panel of specialists shall be laid on the Table of both Houses of Parliament from time to time.

6. Whenever the President, the Prime Minister or the Deputy Medical Prime Minister goes out of Delhi or out of the country, a medical officer shall accompany him with necessary medical aid implements, etc.

Medical Officer to accompany the provider to accompany the provider to the country of the Deputy Medical Officer to accompany the provider to the Deputy Medical Officer to accompany the provider to the Deputy Medical Officer to accompany t

Medical
Officer to
accompany the
President,
the
Prime
Minister
or the
Deputy
Prime
Minister
on tours

Our two able and well-known Prime Ministers have died in harness in quick succession. The heavy work-load, which ought to have been followed up by proper medical attention, care and check-up from time to time, would undoubtedly go a far way in lessening the tension, fatigue and exhaustion. It is suggested that the President, the Prime Minister, and the Deputy Prime Minister whose lives are very dear and precious to the nation should be looked after properly and they should be checked up medically from time to time to ensure good health to them and satisfaction to the entire nation.

Hence this Bill.

NEW DELHI; The 26th October, 1967. YAMUNA PRASAD MANDAL,

## FINANCIAL MEMORANDUM

Clause 6 of the Bill will involve expenditure from the Consolidated Fund of India on account of the travelling expenses of the Medical Officer who will accompany the President, the Prime Minister and the Deputy Prime Minister on their tours. Although it is not possible to assess the exact amount of the expenditure involved, it is expected that a sum of rupees fifty thousand per annum will be sufficient for this purpose.

#### BILL No. 162 of 1967

A Bill to provide for the medical check-up of the members of Parliament from time to time at the All India Institute of Medical Sciences, New Delhi, and for matters connected therewith.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:-

1. (i) This Act may be called the Health (Periodical Medical Check-up of Members of Parliament) Act, 1967.

Short title and

(ii) It shall come into force at once.

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commencement.

2. In this Act, "members" means the members of Lok Sabha and Defini-Rajya Sabha.

tion.

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Medical check up of Members.

- 3. (1) The members, on taking their seats in Lok Sabha or Rajya Sabha, as the case may be, and thereafter every six months, shall get themselves medically examined by a panel of specialists comprising the Director and the Heads of Departments of Medicine, Surgery and Pathology of the Institute.
- (2) The panel of specialists shall request the member or members to remain in the Institute till such time as, in the opinion of the panel, may be necessary for the medical check-up.

Investigation report and treatment by special-

- 4. (1) It shall be the duty of the panel of specialists to—
- (i) make a thorough investigation of the state of health of <sup>10</sup> the members and prescribe the best remedies including medicines, the need for rest or change of climate, etc., in order to ensure their good health;
- (ii) make a report in writing after the check-up stating the condition of their health.
- (2) In case of the slightest doubt in regard to any ailment, major or minor, observed during the process of investigation or check-up, it shall be the duty of the panel of specialists to recommend to the Government that the members be requested to enter the Institute for observation and remain there till such time as the panel considers necessary or till the ailment is diagnosed and properly treated.

Reports
of specialists to
be laid
on the
Table
of the
House
of Parliament.

5. The report of the panel of specialists in respect of the members shall be laid on the Table of the House of Parliament of which he is a member.

Our several able members of Parliament have died in harness in quick succession. The heavy work-load connected with Parliamentary duties of members causes tension, fatigue and exhaustion and results in poor state of health. It is, therefore, desirable that the health of members whose lives are very dear and precious to the nation should be looked after properly and they should be checked up medically from time to time to ensure good health to them and satisfaction to the entire nation.

Hence this Bill.

NEW DELHI; The 26th October, 1967. YAMUNA PRASAD MANDAL.

## FINANCIAL MEMORANDUM

The Members of Parliament are covered by the Central Government Health Scheme. Hence no extra expenditure is likely to be incurred out of the Consolidated Fund of India on account of initial medical check-up of members and periodical check-up thereafter.

S. L. SHAKDHER,

Secretary.